

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Gordon Hempton,

Plaintiff,

v.

Pond5 , Inc., a Delaware Corporation; and
Pond5 user ckennedy342, a corporation or
individual of type unknown,

Defendants.

NO. 3:15-cv-05696-BJR

DECLARATION OF ROGER M.
TOWNSEND IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE
TO AMEND COMPLAINT

NOTE ON MOTION CALENDAR:
September 23, 2016

Roger M. Townsend states:

I am an attorney licensed to practice before the courts of the State of Washington. I represent Plaintiff Gordon Hempton. I have personal knowledge of the facts stated herein and am competent to testify to these facts.

1. Attached hereto as **Exhibit 1** is a true and correct copy of the August 16, 2016 deposition of Pond5's 30(b)(6) representative Thomas Crary at pertinent pages.

2. Attached hereto as **Exhibit 2** is a true and correct copy of document bates labeled HEMP 001674 (dathrex FX 36367648 screenshot).

3. Attached hereto as **Exhibit 3** is a true and correct copy of a September 7, 2016 email from Pond5 to customer regarding dathrex infringement.

4. Attached hereto as **Exhibit 4** is a true and correct copy of an email chain dated March 7, 2016.

5. Attached hereto as **Exhibit 5** is a true and correct copy of an email dated July 19, 2016.

6. Attached hereto as **Exhibit 6** is a true and correct copy of emails between parties in July, August, and September 2016 regarding the discovery requests at issue.

7. Attached hereto as **Exhibit 7** is a true and correct copy of the Pond5 Content License agreement (PON 000540-550).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 8th day of September, 2016 in Seattle, Washington.

BRESKIN JOHNSON & TOWNSEND, PLLC

By: s/Roger M. Townsend
 Roger M. Townsend, WSBA # 25525
 1000 Second Avenue, Suite 3670
 Seattle, WA 98104
 Tel: 206-652-8660
 rtownsend@bjtlegal.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jamie Telegin
Jamie Telegin, Legal Assistant